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May 27, 2014

VIA FIRST CLASS MAIL

ATTN: Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Combined Notice of Opposition and Petition to Cancel
RUUM AMERICAN KID'S WEAR
Our Ref. 063942-9130

Dear Sir/Madam:

Enclosed please find a Combined Notice of Opposition and Petition to Cancel filed by American Girl, LLC against these applications and registrations filed/owned by Ezrani 2 Corp.:

1. Application No. 85964117 for RUUM AMERICAN KID'S WEAR
2. Application No. 85964257 for RUUM AMERICAN KID'S WEAR
3. Application No. 85964288 for RUUM AMERICAN KID'S WEAR
4. Application No. 85964366 for RUUM AMERICAN KID'S WEAR
5. Registration No. 4480556 for RUUM AMERICAN KID'S WEAR

As instructed in the Notice, please charge the \$1,500 filing fee to Deposit Account 133080.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP

Laura M. Konkel

Enclosure



05-29-2014

U.S. Patent and Trademark Office #72

024440-9575\14288344.1

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

American Girl, LLC, Opposer and Petitioner, v. Ezrani 2 Corp., Applicant and Registrant.) Opposition No. _____)) Cancellation No. _____) Marks: RUUM AMERICAN KID'S WEAR)) Serial Nos.: 85964117, 85964257,) 85964288, and 85964366)) Registration No. 4480556)
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COMBINED NOTICE OF OPPOSITION AND PETITION TO CANCEL

American Girl, LLC ("American Girl"), a Delaware limited liability company with an address at 333 Continental Boulevard, M1-1518, El Segundo, California 90245, believes that it will be damaged by registration of the RUUM AMERICAN KID'S WEAR marks shown in Application Nos. 85964117, 85964257, 85964288, and 85964366 filed by Ezrani 2 Corp. ("Ezrani") and hereby opposes them. American Girl also believes that it is damaged and will continue to be damaged by registration of the RUUM AMERICAN KID'S WEAR mark shown in Registration No. 4480556 owned by Ezrani and hereby petitions to cancel it. The grounds for opposition and cancellation are as follows:

1. Upon information and belief, Ezrani is a Delaware corporation with an address at 200 Park Avenue South, New York, New York 10003.
2. On June 19, 2013, Ezrani filed these trademark applications (collectively, the "RUUM AMERICAN KID'S WEAR Applications"):

App. No.	Mark	Goods	Claimed First Use
85964117		Sunglasses; Cases for sunglasses in Class 9	January 31, 2013
85964257		Jewelry in Class 14	January 31, 2013
85964288		Handbags; Tote bags in Class 18	January 31, 2013
85964366		Clothing, namely, tops, bottoms, dresses, coats, jackets, swimwear, underwear, hosiery, sleepwear, belts, neckwear; Footwear; Headwear in Class 25	January 31, 2013

3. The RUUM AMERICAN KID'S WEAR Applications were published for opposition on November 26, 2013. American Girl was granted 90-day extensions of time to oppose the RUUM AMERICAN KID'S WEAR Applications on December 18, 2013, and 60-day extensions of time to oppose the RUUM AMERICAN KID'S WEAR Applications on March 26, 2014. The final opposition deadline was Sunday, May 25, 2014. Monday, May 26, 2014, was a Federal Holiday. This Notice of Opposition is timely filed on Tuesday, May 27, 2014, pursuant to 37 CFR § 2.196.

4. Ezrani also owns Registration No. 4480556 for the stylized RUUM AMERICAN KID'S WEAR mark shown below for "Retail store services featuring clothing, footwear, headwear, clothing accessories, sunglasses, jewelry, bags; Online retail store services featuring clothing, footwear, headwear, clothing accessories, sunglasses, jewelry, bags" in Class 35 (the "RUUM AMERICAN KID'S WEAR Registration"), which was granted on February 11, 2014, and claims a January 31, 2013, date of first use and first use in commerce.



5. Since at least as early as 1982, American Girl has used the trademark AMERICAN GIRL in connection with dolls and related products and services, including children's clothing and fashion accessories and retail store services featuring these products.

6. American Girl owns the U.S. registrations for AMERICAN GIRL and marks incorporating AMERICAN GIRL identified in Exhibit A (collectively, the "AMERICAN GIRL Registrations"). Printouts of the current status and title of the AMERICAN GIRL Registrations from the USPTO's Trademark Status & Document Retrieval (TSDR) database are attached as Exhibit B.

7. The AMERICAN GIRL Registrations have not been canceled, are valid, and are in full force and effect.

8. The AMERICAN GIRL Registrations identified as incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065, in Exhibit A are conclusive evidence of the validity of the registered marks, the registrations, American Girl's ownership of the marks, and American Girl's exclusive right to use the registered marks in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115. The other AMERICAN GIRL Registrations identified in Exhibit A are additional *prima facie* evidence of American Girl's exclusive right to control use of the registered marks in commerce.

9. American Girl has advertised and promoted the marks identified in the AMERICAN GIRL Registrations (collectively, the "AMERICAN GIRL Marks") extensively and made substantial sales of goods and services under the marks. As a result of this use and promotion, the AMERICAN GIRL Marks have developed and represent valuable goodwill inuring to the benefit of American Girl.

10. The AMERICAN GIRL Marks are distinctive and famous.

11. American Girl has priority with respect to the marks at issue because it used and registered its AMERICAN GIRL Marks long before Ezrani filed its RUUM AMERICAN KID'S WEAR Applications and applied for its RUUM AMERICAN KID'S WEAR Registration and before the first use dates claimed therein.

12. Upon information and belief, Ezrani knew that American Girl used its AMERICAN GIRL Marks before it filed its RUUM AMERICAN KID'S WEAR Application and applied for its RUUM AMERICAN KID'S WEAR Registration.

13. The marks identified in the RUUM AMERICAN KID'S WEAR Applications and RUUM AMERICAN KID'S WEAR Registration are confusingly similar to the AMERICAN GIRL Marks in sight, sound, and commercial impression.

14. All of the goods and services identified in the RUUM AMERICAN KID'S WEAR Applications and RUUM AMERICAN KID'S WEAR Registration (collectively, "Ezrani's Goods and Services") are identical or closely related to the goods and services identified in the AMERICAN GIRL Registrations (collectively, "American Girl's Goods and Services"). In particular, the AMERICAN GIRL Registrations cover clothing, footwear, and headwear; jewelry, handbags, tote bags, and other fashion accessories; and retail store services featuring these goods.

15. Upon information and belief, Ezrani's Goods and Services and American Girl's Goods and Services are marketed and sold in the same channels of trade to the same consumers or class of consumers.

16. Based on the similarities in the parties' marks, goods, and trade channels, consumers and potential consumers are likely to believe that Ezrani's Goods and Services

originate from American Girl or are otherwise endorsed, sponsored, or approved by American Girl, resulting in a likelihood of confusion in the marketplace and damage to American Girl.

17. Ezrani's use and registration of the marks identified in the RUUM AMERICAN KID'S WEAR Applications and RUMM AMERICAN KID'S WEAR Registration is likely to dilute the distinctive value of American Girl's famous AMERICAN GIRL Marks.

18. Registration of the marks identified in the RUUM AMERICAN KID'S WEAR Applications, and continued registration of the mark identified in the RUUM AMERICAN KID'S WEAR Registration, will damage American Girl under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

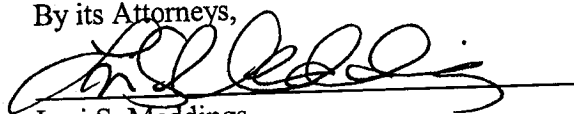
WHEREFORE, American Girl requests that Ezrani's RUUM AMERICAN KID'S WEAR Applications be refused and that Ezrani's RUUM AMERICAN KID'S WEAR Registration be cancelled.

Please charge the \$1,500 fee for this Combined Notice of Opposition and Petition to Cancel to Deposit Account 133080.

Respectfully submitted,

AMERICAN GIRL, LLC

By its Attorneys,



Lori S. Meddings

Laura M. Konkel

MICHAEL BEST & FRIEDRICH LLP

One South Pinckney Street, Suite 700

Madison, WI 53703

Phone: (608) 257-3501

Fax: (608) 283-2275

Date: May 27, 2014

CERTIFICATE OF SERVICE AND MAILING

I hereby certify that on May 27, 2014, a true and correct copy of the foregoing Combined Notice of Opposition and Petition to Cancel is being served upon Ezrani 2 Corp. via overnight courier:

Ezrani 2 Corp.
200 Park Avenue South
New York, New York 10003

is being served upon Ezrani 2 Corp.'s attorney via overnight courier:

Howard N. Aronson
Lackenbach Siegel LLP
1 Chase Road
Scarsdale, NY 10583-4156

and is being deposited with the United States Postal Service with sufficient First-class mail postage in an envelope addressed to:

ATTN: Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451


Lori S. Meddings